

House File 719 - Introduced

HOUSE FILE _____
BY SCHUELLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the crime of stalking and increasing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2509HH 83
5 rh/nh/8

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1 1 Section 1. Section 237A.12, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. i. Complaints received by the department
1 4 relating to a child care provider in a facility who is the
1 5 victim of stalking as provided in section 708.11.
1 6 Sec. 2. Section 708.11, subsection 1, Code 2009, is
1 7 amended to read as follows:
1 8 1. As used in this section, unless the context otherwise
1 9 requires:
1 10 a. "Accompanying offense" means any public offense
1 11 committed as part of the course of conduct engaged in while
1 12 committing the offense of stalking.
1 13 b. "Course of conduct" means repeatedly maintaining a
1 14 visual or physical proximity to a person without legitimate
1 15 purpose or repeatedly conveying oral or written threats,
1 16 threats implied by conduct, or a combination thereof, directed
1 17 at or toward a person. "Course of conduct" may also include
1 18 conveying oral or written threats by electronic means.
1 19 c. "Electronic means" means any communication involving
1 20 the transmission of information by wire, radio, optical cable,
1 21 electromagnetic, or other similar means. "Electronic means"
1 22 includes but is not limited to communication via electronic
1 23 mail, internet-based communications, pager service, cell
1 24 phone, and electronic text messaging.
1 25 ~~e.~~ d. "Immediate family member" means a spouse, parent,
1 26 child, sibling, or any other person who regularly resides in
1 27 the household of a specific person, or who within the prior
1 28 six months regularly resided in the household of a specific
1 29 person.
1 30 ~~d.~~ e. "Repeatedly" means on two or more occasions.
1 31 Sec. 3. Section 708.11, subsection 3, Code 2009, is
1 32 amended to read as follows:
1 33 3. a. A person who commits stalking in violation of this
1 34 section commits a class ~~"C"~~ "B" felony for a third or
1 35 subsequent offense.
2 1 b. A person who commits stalking in violation of this
2 2 section commits a class ~~"D"~~ "C" felony if any of the following
2 3 apply:
2 4 (1) The person commits stalking while subject to
2 5 restrictions contained in a criminal or civil protective order
2 6 or injunction, or any other court order which prohibits
2 7 contact between the person and the victim, or while subject to
2 8 restrictions contained in a criminal or civil protective order
2 9 or injunction or other court order which prohibits contact
2 10 between the person and another person against whom the person
2 11 has committed a public offense.
2 12 (2) The person commits stalking while in possession of a
2 13 dangerous weapon, as defined in section 702.7.
2 14 (3) The person commits stalking by directing a course of
2 15 conduct at a specific person who is under eighteen years of
2 16 age.
2 17 (4) The offense is a second offense.
2 18 c. A person who commits stalking in violation of this
2 19 section commits ~~an aggravated misdemeanor~~ a class "D" felony
2 20 if the offense is a first offense which is not included in

2 21 paragraph "b".
2 22 Sec. 4. Section 708.11, Code 2009, is amended by adding
2 23 the following new subsection:
2 24 NEW SUBSECTION. 6. A person charged with or convicted of
2 25 a violation of this section who is placed on probation,
2 26 parole, work release, special sentence, or any other type of
2 27 conditional release, may be ordered by the court to be
2 28 supervised by an electronic tracking and monitoring system in
2 29 addition to any other conditions of supervision.

2 30 Sec. 5. Section 915.100, subsection 2, Code 2009, is
2 31 amended by adding the following new paragraph:

2 32 NEW PARAGRAPH. j. In cases where the act committed by an
2 33 offender is a violation of section 708.11 and the act results
2 34 in the victim's loss of employment, in addition to the amount
2 35 ordered for payment of the victim's pecuniary damages, the
3 1 court may also order the offender to pay the victim's lost
3 2 wages and benefits.

3 3 EXPLANATION

3 4 This bill relates to the crime of stalking.

3 5 The bill provides that the department of human services
3 6 shall adopt rules setting minimum standards to provide quality
3 7 child care in the operation and maintenance of child care
3 8 centers and registered child development homes relating to
3 9 complaints received by the department relating to a child care
3 10 provider in a facility who is the victim of stalking.

3 11 The bill expands the definition of "course of conduct" for
3 12 purposes of the definition of the crime of stalking contained
3 13 in Code section 708.11 to include conveying oral or written
3 14 threats by electronic means. "Electronic means" is defined to
3 15 mean any communication involving the transmission of
3 16 information by wire, radio, optical cable, electromagnetic, or
3 17 other similar means. "Electronic means" includes but is not
3 18 limited to communication via electronic mail, internet-based
3 19 communications, pager service, cell phone, and electronic text
3 20 messaging.

3 21 The bill increases the penalties for the crime of stalking
3 22 from an aggravated misdemeanor to a class "D" felony for a
3 23 first offense, from a class "D" felony to a class "C" felony
3 24 for a second offense or an offense involving certain
3 25 aggravating circumstances, and from a class "C" felony to a
3 26 class "B" felony for a third or subsequent offense. A class
3 27 "D" felony is punishable by confinement for no more than five
3 28 years and a fine of at least \$750 but not more than \$7,500, a
3 29 class "C" felony is punishable by confinement for no more than
3 30 10 years and a fine of at least \$1,000 but not more than
3 31 \$10,000, and a class "B" felony is punishable by confinement
3 32 for no more than 25 years.

3 33 The bill provides that a person charged with or convicted
3 34 of a violation of Code section 708.11 who is placed on
3 35 probation, parole, work release, special sentence, or any
4 1 other type of conditional release, may be ordered by the court
4 2 to be supervised by an electronic tracking and monitoring
4 3 system in addition to any other conditions of supervision.

4 4 The bill provides that in cases where the act committed by
4 5 an offender is a violation of Iowa's stalking statute (Code
4 6 section 708.11) and the act results in the victim's loss of
4 7 employment, in addition to the amount ordered for payment of
4 8 the victim's pecuniary damages, the court may also order the
4 9 offender to pay the victim's lost wages and benefits.

4 10 LSB 2509HH 83

4 11 rh/nh/8